



**Vermont Emergency Management
Department of Public Safety**
103 South Main Street
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CHECKLIST for APPEALS

“The appeals process is the opportunity for applicants to request reconsideration of FEMA determinations regarding application for or the provision of assistance. There are two levels of appeal. The first level appeal is to the Regional Administrator. The second level appeal is to FEMA Headquarters.” -- PA Guide FEMA 322 pg. 112

“An eligible applicant, sub-grantee, or grantee may appeal any determination previously made related to an application for or the provision of Federal assistance according to the procedures below. (a) Format and Content. The applicant or sub-grantee will make the appeal in writing through the grantee to the Regional Administrator. The grantee shall review and evaluate all sub-grantee appeals before submission to the Regional Administrator. The grantee may make grantee-related appeals to the Regional Administrator. The appeal shall contain documented justification supporting the appellant’s position, specifying the monetary figure in dispute and the provisions in Federal law, regulation, or policy with which the appellant believes the initial action was inconsistent.” -- 44 CFR 206.206 - 206.206(a)

Here are some examples of why an appeal may be warranted for one of your Project Worksheets:

- The original Project Worksheet did not capture a facility, item of work or project cost and / or such items were considered not eligible by FEMA.
- The approved costs in the original Project Worksheet were lower than what the applicant believes will be required to complete the work.
- A requested time extension was denied.
- The original Project Worksheet deemed certain eligible repairs or replacement costs to be ineligible.
- The original Project Worksheet’s scope must be increased in order to meet codes or standards in place at the time of repairs.
- The Applicant can document that the original Project Worksheet’s scope is incorrect or inadequate and has developed a design that is more cost effective and reasonable.
- The Applicant can document that they have incurred a significant net small project overrun.

“The applicant must file an appeal with the State within 60 days of the applicant’s receipt of a notice of the action that is being appealed. The applicant must provide documentation to support the appeal. This documentation should explain why the applicant believes the original determination is wrong and the amount of adjustment being requested. Applicants appealing for a net small project overrun must make application within 60 days of completion of the last small project and must include cost data on all small projects.” -- PA Guide FEMA 322, pg. 113

Time is of the essence. If after reviewing this packet, you believe you have grounds for an Appeal, we strongly recommend that you put together the recommended documentation as soon as possible and submit a complete package to the State for review and presentation to FEMA.

Appeal Checklist

(Items in the package should follow the order of the checklist)

Disaster Number: _____

PROJECT CONSTRUCTION DATA:

Applicant Name: _____

Proposed Project Address: _____

Project Latitude/Longitude: _____

☐ Applicant Cover letter on Town Letterhead (including PW #) requesting Appeal and why.

The appeal shall contain documented justification supporting the appellant's position, specifying the monetary figure in dispute and the provisions in Federal law, regulation, or policy with which the appellant believes the initial action was inconsistent." -- 44 CFR 206.206 - 206.206(a)

☐ List Referenced Project Worksheet (EMMIE #) and Attach Copy of PW: _____

☐ Vicinity map showing proposed location, disturbed areas, waterways, and wetlands.

☐ Map showing existing footprint (original PW) and proposed footprint.

☐ Special Considerations 9-Question Form as it pertains to the proposed project (included below).

☐ New Scope of Work (if appealing for a change in scope).

☐ Anticipated start date and completion date of proposed project (regulatory timeframes apply).

☐ Estimated cost documentation to complete the proposed project: proposals, contracts, etc.

☐ Disposition of original facility (if applicable).

☐ Explanation of general disturbing activities (digging, structure removal, site work, access roads, etc.)

SUPPORTING DOCUMENTATION: (if required)

☐ Copies of all available Federal and State environmental and regulatory permits and approvals and any other relevant documentation (i.e. environmental site assessments, surveys, or reports).

☐ Copies of documentation or correspondence with the State Historical Preservation Office, if any.

☐ Copies of insurance settlements, statement of loss, insurance adjuster estimate of losses, or statement from Applicant if there is no insurance coverage.

Please mail a complete package of the Appeal Request Letter, completed Appeal Request Checklist, and all Supporting Documentation to:

Vermont Emergency Management – Dept. of Public Safety
Attn: Ben Rose – State Public Assistance Officer
103 South Main Street
Waterbury, VT 05671
Phone number: (802) 585-4719
Ben.Rose@state.vt.us

VEM 09/12

